

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
SEVENTY-FIFTH SESSION
OF THE
LEGISLATURE,

BEGUN THE SIXTH DAY OF JANUARY, AND ENDED THE SEVENTEENTH DAY OF APRIL, 1852, AT THE CITY OF ALBANY.



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1852.

Chap. 118.

AN ACT to extend the time for the collection of taxes in the town of Watervliet.

Passed March 30, 1852.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. If the collector of taxes in the town of Watervliet, Albany county, shall within the time now provided by law, pay over all moneys by him collected, and shall renew his security to the satisfaction of the supervisor of the said town of Watervliet, the time for collecting and making the final return of taxes in the said town shall be extended to the first day of July next. Time extended.

§ 2. This act shall take effect immediately.

Chap. 119.

AN ACT to provide for a supply of water in the village of Newburgh.

Passed March 30, 1852, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Lewis W. Young, George Cornwell, and James Belknap, are hereby appointed water commissioners of the village of Newburgh, who shall respectively hold their offices until the completion of the water works as hereinafter provided, or until removed by the trustees of said village as hereinafter provided; and in case of a vacancy in the office of any commissioner by death, resignation, or removal from the said village, the same shall be supplied by a vote of two-thirds of the trustees elected in the said village, and the persons so appointed shall hold their places by the same tenure as the persons herein named, and vacancies among the persons so appointed shall be Water commissioners appointed. Vacancies how filled.

supplied in the like manner. Before entering upon the duties of their appointment, the persons herein named or so appointed, shall take the oath of office prescribed by the constitution of this state, before some judge of a court of record, and file the same in the office of the clerk of the said village.

Powers and duties.

§ 2. It shall be the duty of the said commissioners to examine and consider all matters relative to supplying the village of Newburgh with a sufficient quantity of pure and wholesome water, and for that purpose they shall have power to employ engineers, surveyors, and such other persons as may be necessary for said purpose.

Plans, conditional contracts, &c.

§ 3. The said commissioners shall adopt such plans as in their opinion may be most feasible for procuring such supply of water, and which shall embrace proper distribution pipes and supply for the village; and shall ascertain the probable amount of money necessary to carry the same into effect; and for that purpose they shall have power to make conditional contracts, to become valid when ratified by the trustees of said village, with the owner or owners, whether individuals or corporations, of all lands, tenements, hereditaments, rights or privileges whatsoever, which may be required for the purpose, and the like conditional contracts for the execution of the work, or any part thereof, or the supply of any necessary material.

Report.

§ 4. The said commissioners shall make a report to the said trustees, containing a description of the plan adopted by them, their estimate of the expense thereof, the probable amount of revenue when completed, with their reasons and calculations for their said estimates and opinions, and also the conditional contracts made by them under this act by the first day of July next.

Poll to be opened if plan is approved.

§ 5. In case the plan so adopted by the said commissioners shall be approved of by the said trustees of the village of Newburgh, they shall appoint a poll to be opened on a day not exceeding twenty days from the time said report shall be presented to them, at some convenient and public place in said village, and give public notice thereof by advertisement in two newspapers published in said village, at least one week prior to such poll being held, and said trustees or a committee of them shall preside at such poll provided with a ballot box with suitable lock and key, and at such poll the electors residing in said village shall express their assent or refusal to allow the said trustees to proceed in raising the money necessary to construct

the works aforesaid, by depositing their ballots in the box provided for that purpose; and those electors who are in favor of granting the necessary power to the said trustees, shall each deposit a ballot containing the word "yes" written or printed thereon, and those who are opposed shall each deposit a ballot containing the word "no" written or printed thereon; a canvass and return of the votes shall be made by the inspectors in the same manner as is now prescribed by law in regard to the canvass and return of votes for charter officers.

§ 6. If a majority of the said electors are found to be in favor of the measure, it shall be the duty of the said trustees to instruct the commissioners to proceed in the work, and it shall also, be their duty, and they are hereby authorized, to raise by loan, from time to time, a sum not exceeding in the whole seventy-five thousand dollars, by the creation of a public fund or stock to be called the "Water Stock of the village of Newburgh," which shall bear an interest not exceeding seven per cent. per annum, and be payable some time within twenty years from the time of issuing of any such stock.

To raise no
to exceed
\$75,000.

§ 7. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of supplying the village of Newburgh with pure and wholesome water, according to the plan so adopted and ratified, as aforesaid, with such alterations as may be made by the said commissioners and ratified by the said trustees, and for no other purpose whatsoever.

Moneys how
to be expen-
ded, &c.

§ 8. The said commissioners are hereby authorized to enter in and upon any land or water for the purpose of making surveys, and to agree with the owner of the property, real or personal, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner.

Making sur-
veys.

§ 9. In case of disagreement between the commissioners and the owner of any property which may be required for said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or married woman, or insane, or absent from this state, or unknown, or the owner of a contingent or uncertain interest, the supreme court, at any general or special term in the second district, shall upon the application of either party, after ten days personal notice, or when such notice cannot be served within this state, after three weeks notice of said application

Three per-
sons may be
appointed in
cases of dis-
agreement.

published in all the newspapers of the village of Newburgh, nominate and appoint three disinterested persons to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to the said court the several sums which will be a just compensation to such owners respectively for the appropriation to the purposes of this act, of any property which may be so required, or for the temporary use of any property.

How commissioners are to act when report is confirmed.

§ 10. Whenever such report shall have been confirmed by said supreme court, the commissioners may deposit or invest as said court may direct, or pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, and thereupon the said trustees of the village of Newburgh, shall become seised in fee of the property so acquired, and shall be discharged from all claim by reason of any such appropriation or use.

Misdemeanors.

§ 11. If any person shall wilfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within the town of Newburgh or elsewhere, by the said trustees or by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, such person on conviction thereof, shall be deemed guilty of a misdemeanor and punished accordingly.

Contracts.

§ 12. All contracts for materials or for construction of the work shall be made in writing, and of each contract there shall be three originals, executed by the parties which shall be numbered with the same number and endorsed with the date of the contract, the name of the contractor, and a summary of the work to be done or materials furnished, one of which copies shall be given to the contractor, one to the clerk of said village and one retained by the said commissioners.

Proposals for contracts

§ 13. Public notice shall be given in one or more newspapers, as the said commissioners shall direct, of the time and places at which sealed proposals will be received for entering into contracts; and all sealed proposals for contracts shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted on, and no more than one proposition shall be made by or received from any one person for the same contract, and no proposal or

contract shall be assigned without the consent of the commissioners and the said trustees.

§ 14. Every person who shall enter into any contract for the supply of materials, or the performance of any work, shall give satisfactory security to the said commissioners for the faithful performance of his contract according to its terms.

Contractors to give security.

§ 15. It shall be the duty of the said commissioners to superintend the construction of the work, keep a record of their proceedings in a suitable book, keep a register containing the names of all persons furnished with water, and they shall have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the work authorized by this act, and shall make a report to the said trustees of their proceedings generally, and of the state of the matters in their charge, whenever required by the said trustees so to do.

Commissioners to superintend the construction, &c.

§ 16. The trustees shall authorize the commissioners to draw upon the treasurer of the village for any sum in favor of and to be paid to the owner of any land, waters, streams or property acquired by virtue of this act, and in favor of and to be paid to any contractor for any sum due upon his contract. Such drafts shall specify the objects for which they are drawn as near as may be, and the trustees shall make it the duty of the treasurer to pay such drafts in every case where a deed or other voucher is delivered to him, or a contract has been filed with him, and a duplicate receipt of the contractor for such draft shall be presented therewith.

Drafts upon the treasurer

§ 17. The said commissioners shall semi-annually, or at any time, if required by the trustees, report to said trustees a general exhibition of the state of the work, including a full detail of the amount expended in the progress of the work, and all such matters in relation to their acts in the premises, as the said trustees shall require; and the said commissioners, in case of misconduct, may be removed by a vote of two-thirds of all the members of the said board of trustees.

Commissioners to report.

§ 18. The said commissioners, in behalf of the said trustees, and all persons acting under their authority, shall have the right to use the ground or soil under any street, highway or road within the towns of New Windsor and Newburgh for the purpose of introducing water into and through any portion of the village of Newburgh, on condition that they shall cause the surface of said street, highway

Ground, &c. in New Windsor and Newburgh.

or road to be relaid and restored to its usual state, and all damages done thereto to be repaired.

Compensation of commissioners.

§ 19. The said commissioners shall be entitled to receive such compensation for their services as the trustees of said village shall deem reasonable, and such incidental expenses as they may incur in the discharge of their duties, which the trustees shall deem reasonable and necessary, shall be paid to them.

Line of pipes extended.

§ 20. After the completion of said works according to said plan, and when required by the trustees so to do, it shall be the further duty of the said commissioners to cause the line of pipes for the said water works, to be extended through any of the public streets, lanes or alleys in said village, and superintend the laying down of the same, and to keep a correct account of the expenses therefor, and return the same to the trustees as soon as the extended work shall have been completed; the expense of all which shall be paid by the treasurer on the order of the said commissioners, out of the money collected from the water rates; and the said commissioners shall make such by-laws or regulations for the preservation, protection and management of the said water works, and the use and control of the water, as may be deemed advisable, and which, when ratified or approved by the trustees, shall have the same force and effect as any law or ordinance by them enacted; and the same shall not be altered or amended by the said commissioners without the approval of the said trustees.

By-laws and regulations.

Annual receipts, how to be applied

§ 21. The entire annual receipts for water rates after deducting therefrom such sums as may be necessary to defray the ordinary expenses of repair of said water works, and of extending the same, and salaries of officers and agents shall be applied towards the payment of the interest on the loan or loans, and also to the appropriation of such sum as the trustees at their option shall determine from time to time, not more than one thousand dollars per annum to a sinking fund for the payment of the principal of the said loan or loans, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the board of trustees.

In case the annual receipts are not sufficient

§ 22. In case the entire annual receipts for water rates after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of the said works, and of extending the same, shall not be sufficient in any one or more years to pay the interest on the said loan or loans, and also the annual appropriation

for the sinking fund as above provided for, it shall be and is hereby made the duty of the board of trustees of the village of Newburgh, and they are hereby authorized to cause to be levied and collected from and against all the taxable property within the said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, such sum or sums of money as may be certified by the said trustees to be necessary to make good such deficiencies, and the same shall be applied to the payment of such interest and appropriation to the sinking fund.

§ 23. The said commissioners, with the assent of the trustees, shall establish a scale of annual rents to be charged and paid annually for the supply of water, to be called "water rents," and apportioned to the different classes of buildings in said village, in reference to their dimensions, values, exposures to fires, ordinary uses for dwellings, stores, shops, private stables, and other common purposes; number of families or occupants, and consumption of water, as near as may be practicable, and from time to time the corporation assessors may alter, modify, amend and increase, or diminish such rents in said scale, and extend it to other descriptions of buildings, establishments or uses; but the rents shall be so fixed and kept, that the aggregate annual amount collected therefrom, shall be at all times equal to at least five per cent. on the then existing water debt of the village, over and above all expenses of repairs, salaries and appropriations to the sinking fund.

§ 24. Such regular water rents shall be collected from the owners or occupants of all such buildings respectively, which shall be situated upon lots adjoining any street or avenue in said village, in which the distributing pipes are or may be laid, and from which they can be supplied with water, and said regular rents shall be like state and county taxes, a lien and charge upon such houses, buildings and lots, as is herein provided.

§ 25. Hotels, factories, stables, livery stables, and other buildings, establishments and trades, which consume extra quantities of water, shall pay, in addition to the rents established by the scale aforesaid, such sums as the commissioners, or after their discontinuance, the assessors shall direct, which shall be paid in advance to the commissioners before any permit to use such water shall be given.

§ 26. The assessors of the said village shall annually report and certify to the board of trustees, at their annual

meeting, the amount of water rent charged during such year against any building, with the name of the owner or occupant thereof, and the said board of trustees shall set down in a column to be prepared for that purpose in the assessment rolls, opposite the name of such owner or occupant, the respective sums in dollars and cents, to be paid as the water rents for the year on account of such building, and in their warrant they shall direct the collection of the said water rents, in the manner provided by law, and that the sums so collected be paid into the treasury of said village. The said water rents so charged shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for village purposes.

Connecting
or supply
pipes.

§ 27. The connecting or supply pipes leading from the dwellings to the distribution pipes shall be inserted and kept in repair at the expense of the owners or occupants of the buildings, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained, and all such connecting or supply pipes and fixtures shall be constructed under and according to the direction of the superintendent or his agent.

Rules and
regulations
printed.

§ 28. The rules and regulations for the use of the water shall be printed on each permit, and distributed to each house or building supplied with water, and shall be notice to the owners and occupants, and shall authorize the recovery by process of law, in the name of the trustees of said village, of any penalty established by said commissioners for any violation of said rules, and the observance of said rules may also be enforced by cutting off the use and supply of water.

Dead ani-
mals, &c.

§ 29. It shall not be lawful for any person to throw or deposit, and cause to be thrown or deposited into any pond which may be taken by said commissioners, or into any stream of water which may be taken in whole or in part for the purpose provided for by this act, above the place at which the water shall be drawn, or into any aqueduct or reservoir constructed by them, any dead animal or other offensive matter, or any thing whatever; and any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed the period of three months.

§ 30. The sum which the trustees of the village of

Newburgh are hereafter authorized to raise in said village, for the purposes mentioned in the thirty-third section of the act entitled "An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act," passed May twenty-fifth, eighteen hundred thirty-six, may not exceed the sum of six thousand dollars, which shall be levied and raised and applied according to the provisions of said thirty-third section.

Sum raised
not to ex-
ceed \$6,000.

§ 31. At each annual charter election, the electors of said village shall be entitled to vote by ballot on the same ticket with the other charter officers, for two freeholders residing in said village to be inspectors of elections for said village, and the two persons receiving the greatest number of votes shall be two of the inspectors of elections for said village, at any charter election during the ensuing year. The persons presiding at such election shall immediately after the canvassing of the votes appoint by writing subscribed by a majority of said presiding officers another inspector of elections for said village, to be associated with the two inspectors so elected, and who shall thereupon be one of the inspectors of election. Such inspector shall be selected from the two persons having the highest number of votes next to the two inspectors so elected. And no ballot for inspectors shall be counted upon which more than two names shall be contained.

Inspectors of
election.

§ 32. All acts and parts of acts heretofore passed inconsistent with this provision is hereby repealed.

Repeal.

§ 33. This act shall take effect immediately.

Chap. 120.

AN ACT to incorporate School District No. 1, of the town of West Farms, Westchester county.

Passed March 31, 1852, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. School district No. 1 in the town of West Farms shall form a permanent school district, and shall not be subject to alteration by the town superintendent of common schools for the town in which said district is situated.

To be a per-
manent
school dis-
trict.